IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

MFA.No. 1020 of 2001

OPMV.1672/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MUVATTUPUZHA
.....

APPELLANT: PETITIONER

SAJU @ KURIAKOSE, S/o VARGHESE,
AGED 33 YEARS, CHERUSSERIL HOUSE,
EAST MARADY, MUVATTUPUZHA

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS: RESPONDENTS
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1. A.J. THOMAS, AZHIKKATTU HOUSE, NDEUMKUNNAM KARA,
   CHANGANASSERY TALUK, KOTTAYAM DISTRICT
2. SALU JOSEPH S/o JOSEPH, KOZHIMANNIL HOUSE,
   NEDUMKUNNAMKARA, CHANGANASSERY TALUK
   KOTTAYAM DISTRICT (DELETED FROM PARTY ARRAY)
3. THE BRANCH MANAGER, UNITED INDIA INSURANCE
   COMPANY LIMITED,PONKUNNAM BRANCH

BY ADV. SRI.JOHN JOSEPH VETTIKAD

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.F.A. No 1020 of 2001

Dated: 20th September 2007

JUDGMENT

Radhakrishnan, J.

Claimant in O.P.(M.V) No 1672 of 1997 of the Motor Accidents Claims Tribunal, Muvattupuzha is the appellant. The appeal is preferred by the claimant claiming enhanced compensation. The accident had occurred on 5.7.1997. Claimant sustained serious injuries in the accident. At the time when the accident had happened he was aged 30 years and was an agriculturist. Tribunal awarded an amount of Rs 68,100/- as compensation. Considering the fact that the claimant was an agriculturist aged 30 years and was working a rubber tapper and pineapple planter we are of the view that his monthly income could be taken as Rs 3,000/-. Due to the injuries he could not work for six months and therefore compensation for loss of earning has to be fixed as Rs 18,000/- instead of Rs 9,000/-. For pain and suffering an amount of Rs 15,000/- was awarded by the Tribunal. Considering the fact that he was in the hospital for a number of days and that he had sustained serious injuries and amputation of second and third

toes he would have suffered considerable pain. Therefore the amount of Rs 15,000/- awarded by the Tribunal is on the lower side. We are inclined to award an additional amount of Rs 15,000/- under that head. For loss of amenities an amount of Rs 10,000/- was awarded. Considering the fact that he had to meet the expenses of bystander during the period of hospitalisation and thereafter we are inclined to award an amount of Rs 15,000/- more under that head. Altogether we award an additional amount of Rs 39,000/-. The total amount awarded will carry interest at the rate of 7.5% from the date of application till date of payment. The appeal is disposed of as above.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

en/

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